

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AARON ABADI,

Plaintiff,

-against-

NYU LANGONE HEALTH SYSTEM; CICIL
CHAMAKALAYIL; KIRK A. CAMPBELL;
ANA BARBECHO; JOHN G. ZAMPELLA;
MICHELLE MOREHEAD; NUMEROUS
UNNAMED EMPLOYEES OF NYU
LANGONE,

Defendants.

21-CV-11073 (RA)

ORDER OF SERVICE

RONNIE ABRAMS, United States District Judge:

Plaintiff Aaron Abadi, who is appearing *pro se*, brings this action under the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, the Affordable Care Act, and various New York City and New York State laws, alleging that Defendants failed to accommodate his disability. By order dated January 3, 2022, the Court granted Plaintiff's request to proceed without prepayment of fees, that is, *in forma pauperis* (IFP).

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service, which must be perfected no later than 90 after the summonses are issued. *Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (stating that the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)). If the complaint is not served within that time, Plaintiff must request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012); *see also Murray v. Pataki*, 378 F. App'x 50, 52 (2d Cir. 2010) ("As long as the [plaintiff proceeding IFP] provides the information necessary to identify the defendant, the

Marshals' failure to effect service automatically constitutes 'good cause' for an extension of time within the meaning of Rule 4(m).").

To allow Plaintiff to effect service on the identified defendants through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for each of these defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon the defendants.

Finally, the Court notes that Plaintiff must notify the Court in writing if his address changes throughout the course of the action, and the Court may dismiss the case if Plaintiff fails to do so.

CONCLUSION


The Clerk of Court is directed to mail a copy of this order to Plaintiff, together with an information package.

The Clerk of Court is further instructed to complete the USM-285 forms with the addresses for: (1) NYU Langone Health System, (2) Cicil S. Chamakalayil, (3) Kirk A. Campbell, (4) Ana Barbecho, (5) John G. Zampella, and (6) Michelle Morehead and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal.

SO ORDERED.

Dated: February 8, 2022
New York, New York



RONNIE ABRAMS
United States District Judge

DEFENDANTS AND SERVICE ADDRESSES

1. NYU Langone Health System
550 First Avenue
New York, N.Y. 10016
2. Dr. Cicil S. Chamakalayil
Assistant Director
Department of Radiology, NYU Langone
530 First Avenue
New York, N.Y. 10016
3. Dr. Kirk A. Campbell
NYU Langone Trinity Center
111 Broadway, 2nd Floor
New York, N.Y. 10006
4. Ana Barbecho
NYU Langone
550 First Avenue
New York, N.Y. 10016
5. Dr. John G. Zampella
Preston Robert Tisch Center for Men's Health
555 Madison Avenue, 4th Floor
New York, N.Y. 10016
6. Michelle Morehead
Department of Radiology, NYU Langone
530 First Avenue
New York, N.Y. 10016